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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: STEARNS et al.

Attorney Docket No.:  
XENOP009/PXE-011.US

Application No.: 10/606,976

Examiner: GARBER, Wendy Rae

Filed: June 25, 2003

Group: 2612

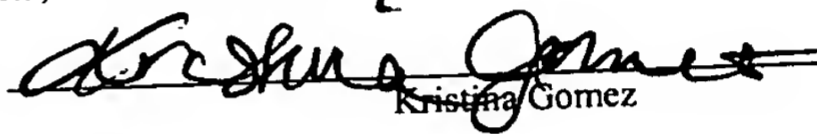
Title: METHOD AND APPARATUS FOR 3-D  
IMAGING OF INTERNAL LIGHT SOURCES

Confirmation No.: 6444

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on September 9, 2005 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed:

  
Kristina Gomez

**INFORMATION DISCLOSURE STATEMENT  
37 CFR §§1.56 AND 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references listed in the attached PTO Form 1449, copies of non-U.S. documents are attached, may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make these references of official record in this application.

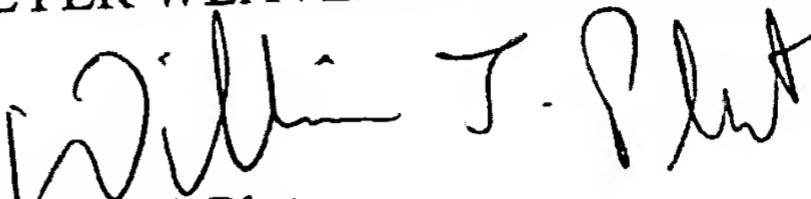
This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

This Information Disclosure Statement is: (i) filed within three (3) months of the filing date of the above-referenced application, (ii) believed to be filed before the mailing date of a first Office Action on the merits, or (iii) believed to be filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure

Statement. However, if it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. XENOP009C1).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "William J. Plut". The signature is fluid and cursive, with the first name "William" being more prominent.

William J. Plut

Limited Recognition Registration No. L0079

P.O. Box 70250  
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<b>Form 1449 (Modified)</b>  <b>Information Disclosure Statement By Applicant</b>  (Use Several Sheets if Necessary)	<b>Atty Docket No.</b>	XENOP009C1
	<b>Application No.:</b>	11/127,346
	<b>Applicant</b>	Rice et al.
	<b>Filing Date</b>	May 11, 2005
	<b>Group</b>	Unknown

### U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	A.	5,202,091	04/13/93	Lisenbee			04/04/88
	B.	5,319,209	06/07/94	Miyakawa et al.			11/19/92
	C.	5,414,258	05/09/95	Liang			11/22/93
	D.	5,594,253	01/14/97	Bueno et al.			05/20/96
	E.	5,636,299	06/03/97	Bueno et al.			01/31/95
	F.	5,637,874	06/10/97	Honzawa et al.			02/23/95
	G.	5,650,135	07/22/97	Contag et al.			07/01/94
	H.	5,672,881	09/30/97	Striepeke et al.			03/06/96
	I.	5,705,807	01/06/98	Throngnumchai et al.			10/24/95
	J.	5,738,101	04/14/98	Sappey			01/18/96
	K.	5,840,572	11/24/98	Copeland et al.			07/29/96
	L.	5,867,250	02/02/99	Baron			05/03/96
	M.	5,970,164	10/19/99	Bamberger et al.			02/21/97
	N.	6,175,407 B1	01/16/01	Sartor			12/17/98
	O.	6,205,347 B1	03/20/01	Morgan et al.			02/26/99
	P.	6,217,847 B1	04/17/01	Contag et al.			01/19/99
	Q.	6,242,743 B1	06/05/01	DeVito et al.			08/11/98
	R.	6,252,623 B1	06/26/01	Lu et al.			05/15/98
	S.	6,321,111 B1	11/20/01	Perelman et al.			07/02/99
	T.	6,364,829 B1	04/02/02	Fulghum			07/28/99
	U.	2003/0099329A1	05/29/03	Schotland et al.			10/23/01
	V.	6,615,063 B1	09/02/03	Ntziachristos et al.			11/27/00
	W.	6,618,463 B1	09/09/03	Schotland et al.			07/09/02
	X.	6,628,747 B1	09/30/03	Schotland et al.			06/21/02
	Y.	2004/0021771A1	02/05/04	Stearns et al.			06/25/03
	Z.	2004/0085536A1	05/06/04	Schotland et al.			11/01/02
	AA.	6,775,567 B2	08/10/04	Cable et al.			02/21/01
<b>Examiner</b>				<b>Date Considered</b>			

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	<b>Group</b>	Unknown

#### U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	A.	6,775,349 B2	08/10/04	Schotland et al.			10/23/01
	B.	2004/0262520A1	12/30/04	Schotland et al.			06/27/03
	C.	6,264,610 B1	07/24/01	Zhu			05/05/00
	D.	6,267,477 B1	07/31/01	Karpol et al.			02/20/97
	E.	6,332,087 B1	12/18/01	Svenson et al.			10/19/99
	F.	6,373,557 B1	04/16/02	Mengel et al.			11/14/98
	G.	6,381,302 B1	04/30/02	Berestov			07/05/00
	H.	6,392,241 B1	05/21/02	Rushbrooke et al.			07/04/97
	I.	6,394,965 B1	05/28/02	Klein			08/15/00
	J.	6,415,051 B1	07/02/02	Callari et al.			06/24/99
	K.	6,529,627 B1	03/04/03	Callari et al.			11/10/00
	L.	6,549,288 B1	04/15/03	Migdal et al.			05/14/99
	M.	6,710,770 B2	03/23/04	Tomasi et al.			09/07/01

#### Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
							Yes	No
	A.	WO0241760	05/30/02	WIPO			X	
	B.	WO0163247	08/30/01	WIPO			X	
	C.	EP016419	07/05/00	EPO			X	
	D.	WO0036106	06/22/00	WIPO			X	

#### Other Documents

Examiner Initial	No.	Author, Title, Place (e.g. Journal) of Publication, Date
	A.	Mahmood et al., "Near-Infrared Optical Imaging of Protease Activity for Tumor Detection," Radiology, December 1999, pp. 866-870.
	B.	Weissleder et al., "Shedding Light Onto Live Molecular Targets," Nature Medicine, Vol. 9, Number 1, January 2003, pp. 123-128.
Examiner		Date Considered

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	<b>Group</b>	Unknown

**Other Documents**

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
	A.	Simon R. Arridge, "Photo-Measurement Density Functions. Part 1: Analytical Forms", Applied Optics, Vol. 34, No. 31, November 1, 1995, pg. 7395-7409.
	B.	Simon R. Arridge et al., "Photo-Measurement Density Functions. Part 2: Finite-Element-Method Calculations", Applied Optics, Vol. 34, No. 34, December 1, 1995, pg. 8026-8037.
	C.	J. Chang et al., "Improved Reconstruction Algorithm for Luminescence Optical Tomography when Background Lumiphore Is Present", Applied Optics, Vol. 37, No. 16, June 1, 1998, pg. 3547-3552.
	D.	Margaret J. Eppstein et al., "Biomedical Optical Tomography Using Dynamic Parameterization and Bayesian Conditioning on Photon Migration Measurements", Applied Optics, Vol. 38, No. 10, April 1, 1999, pg. 2138-2150.
	E.	Richard C. Haskell et al., "Boundary Conditions for the Diffusion Equation in Radiative Transfer", Optical Society of America, Vol. 11, No. 10, October 1994, pg. 2727-2741.
	F.	Daniel J. Hawrysz et al., "Developments toward Diagnostic Breast Cancer Imaging Using Near-Infrared Optical Measurements and Fluorescent Contrast Agents", Nature America, Inc., Vol. 2, No. 5, September-October 2000, pg. 388-417.
	G.	Vasilis Ntziachristos et al., "Fluorescence Molecular Tomography Resolves Protease Activity in Vivo", Nature Medicine, Vol. 8, No. 7, July 2002, pg. 757-760.
	H.	Vasilis Ntziachristos et al., "Experimental Three-Dimensional Fluorescence Reconstruction of Diffuse Media by Use of a Normalized Born Approximation", Optical Society of America, Vol. 26, No. 12, June 15, 2001, pg. 893-895.
	I.	B. W. Rice et al., "In Vivo Imaging of Light-Emitting Probes", Journal of Biomedical Optics, Vol. 6, No. 4, October 2001, pg. 432-440.
	J.	Mitsuo Takeda et al., "Fourier-Transform Method of Fringe-Pattern Analysis for Computer-Based Topography and Interferometry", Optical Society of America, Vol. 72, No. 1, January 1982, pg. 156-160.
	K.	Satoru Toyooka et al., "Automatic Profilometry of 3-D Diffuse Objects by Spatial Phase Detection", Applied Optics, Vol. 25, No. 10, May 15, 1986, pg. 1630-1633.
	L.	Bruce J. Tromberg et al., "Properties of Photon Density Waves in Multiple-Scattering Media", Applied Optics, Vol. 32, No. 4, February 1, 1993, pg. 607-616.
	M.	Ghiglia et al., "Two-Dimensional Phase Unwrapping: Theory, Algorithms, and Software", Wiley-Interscience publication, 1998, ISBN 0-471-24935-1, pg. 312
Examiner		Date Considered

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